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3342/1D888-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles E. ROGLER

Serial No.: 09/344,189

Art Unit: 1632

Filed: June 24, 1999

Examiner: P. Paras, Jr.

For: **CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATOCELLULAR CARCINOMA IN MOUSE REPOPULATED LIVERS**

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

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MAR 15 2001

OFFICE OF PETITIONS

DECLARATION OF CHARLES E. ROGLER
UNDER 37 C.F.R. § 1.132 AND IN ACCORDANCE WITH IN RE KATZ

Sir:

I, Charles E. ROGLER do hereby declare and state as follows:

1. I am one of the inventors of the subject matter described and presently claimed in the above-identified patent application, and make the following averments for myself and on behalf of my co-inventor, Joerg PETERSEN.

2. Dr. Petersen is not currently named as an inventor in the above-identified patent application. A request to add Dr. Petersen as an inventor in the above-identified application as provided under 37 C.F.R. § 1.48(a) is filed concurrently with this Declaration. On information

and belief, the inventorship error in originally omitting Dr. Petersen in the above-identified application occurred without any deceptive intent on the part of Dr. Petersen.

3. Dr. Petersen and I are also co-authors of the paper Petersen, J., *et al.*, *Proc. Natl. Acad. Sci.* 95: 310-315, 1998 ("Petersen, *et al.*, 1998"). Upon information and belief, the Petersen *et al.*, 1998 paper was published January 1998, less than one year prior to the filing date of the application from which the present application claims priority (ser. no. 09/156,892, filed September 18, 1998).

4. The present declaration is submitted to explain the discrepancy between the authors of the publications listed in paragraph 3 and the inventorship of the presently claimed subject matter of the above-identified patent application.

5. Co-authors, Maura Dandri and Sanjeev Gupta are not inventors of the claimed invention. They supplied reagents, cells and/or carried out work according to my direction, and were named as co-authors of the publication because of that work. They did not contribute to conception of any of the claimed subject matter.

6. I further declare that all statements herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Dated: 3/7/01


Charles E. Rogler

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